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Responding to Domestic Violence Abusers in the Workplace: A Video Toolkit for Employers 2012

Maine Department of Labor

Bureau of Labor Standards

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responding to
domestic violence

Abusers

in the workplace

a video toolkit
for employers



Maine Coalition to
End Domestic Violence

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Creating a Comprehensive Workplace Response to Domestic Violence

I. Develop a working relationship with your local domestic abuse organization.

(To find the Maine project nearest you, call the Maine Coalition to End Domestic Violence or consult your telephone directory under Social and Human Services.)

The local domestic abuse project offers the following services:

- Crisis intervention, advocacy, safety planning, and shelter for survivors of domestic abuse;
- Consultation and training for employers on workplace responses
- Domestic abuse response and prevention education for service providers, schools, community groups, and organizations

II. Create a domestic abuse response team within your organization.

Include representatives from a variety of departments or areas of responsibility, such as

- Human Resources
- Loss Prevention/Security
- Employees/Associates
- Public Relations
- Legal Department
- Employee Assistance Program
- Union Representative (if applicable)

III. Provide your response team with a comprehensive domestic violence and abuse response training developed and delivered in collaboration with your local domestic abuse organization.

Training will assist team in:

- Understanding the dynamics and effects of domestic abuse
- Identifying signs of employees living with abuse
- Reviewing workplace impact through case studies
- Recommending appropriate outreach to those in need
- Identifying internal and external resources for the team, employees, and organization

IV. Through your response team, develop and roll out a Non-Violence Policy Statement that says:

- We will provide a workplace free of threats, fear, and violence
- We will respond and react to threats and potential violence
- We will support our employees to access resources to assist with violent and abusive situations

V. Define the roles of Managers and Supervisors, Loss Prevention, Security, Human Resources, EAP, and other identified responders when domestic violence and abuse cases come forward.

- Provide training to all parties who play key roles
- Emphasize goals of increasing safety for abused employee and accountability for abusive employees
- Create response protocols
- Define confidentiality and protocol for determining who may need to know certain information and how that information is to be shared and documented

VI. Implement an employee awareness campaign.

- Invite advocates from local domestic abuse agencies and batterer intervention programs to conduct “lunch and learn” sessions
- Provide domestic abuse organization service brochures and safety cards in private locations such as restrooms
- Post the domestic violence policy
- Offer information in employee newsletters, place hotline numbers on pay stubs, and/or send e-mail reminders about domestic abuse
- Create a culture of safety that encourages abused employees to come forward for assistance and resources, and encourages abusive employees to take responsibility for their behavior and seek appropriate assistance

VII. Emphasize what to do if someone you know is being abused.

- Ask direct questions about the situation
- Listen without judging
- Let her/him know help is available
- Help the person identify support people and resources
- Help the person identify support people and resources
- Take no action on behalf of a victim of domestic abuse without her/his consent unless legally obligated to do so, and assure her/him of your commitment to keeping the information confidential or the limits of your ability to do so
- Encourage her/him to talk about the abuse with their doctor and have it documented in medical records
- Remind her/him that domestic violence is a crime and to consider calling law enforcement
- Offer the option of a protection from abuse order
- Help the person connect with the local domestic abuse organization for assistance with all of the above

VIII. Be an active community leader in helping to end domestic violence and abuse.

- Hold fund-raising events to support your local domestic abuse organization
- Donate money directly to your local domestic abuse organization
- Provide contributions of in-kind or pro bono services
- Share your workplace domestic abuse policy with other community leaders and encourage them to create a response plan of their own
- Participate in the local task force on domestic abuse to be part of an effective coordinated community response to address this injustice and build a safer community for all

Acknowledgements:

Employers Against Domestic Violence,
Mintz Levin, One Financial Center, Boston, MA 02111 ■ (617) 348-3027

Does domestic violence affect your bottom line?

- Nearly 1 in 4 women in the U.S. reports experiencing violence by a current or former spouse or boyfriend at some point in her lifeⁱ
- 21% of adult employees self-identify as a victim of intimate partner violenceⁱⁱ
- 1 in 4 women in the workplace identify as a domestic violence survivor or victimⁱⁱⁱ
- It is estimated that 1 in 4 men will use violence against his partner in his lifetime^{iv}
- The annual cost of lost productivity in the U.S. due to domestic violence is estimated at \$727.8 million, with over 7.9 million paid workdays lost each year^v
- The costs of intimate partner violence exceed \$5.8 billion each year, \$4.1 billion of which is for direct medical and mental health care services, much of which is paid for by the employer^{vi}

Impact on the Workplace

Domestic violence abusers do not perpetrate abuse in isolation, and often their behaviors continue or overlap with their time on the job. Employers who recognize how abusers misuse workplace resources, or commit abuse off-duty that compromises their work, will be better prepared to put systems of support and accountability in place.

In one of the first studies of its kind nationally, Maine researchers^{vii} reported that:

- Over 75% of abusers used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten the victim
- 74% of abusers had easy access to their intimate partner's workplace, with 21% of offenders reporting that they contacted the victim at the workplace in violation of a no contact order
- 48% of abusers had difficulty concentrating at work, with 19% of offenders reporting a workplace accident or near miss from inattentiveness due to pre-occupation with their relationship
- 42% of abusers were late to work
- 70 domestic abuse abusers lost 15,221 hours of work time due to their domestic abuse arrests – at Maine's average hourly wage, this equaled approximately \$200,000 in lost work time^{viii}

The Importance of Employment

Employers are an important part of the coordinated community response to domestic violence, providing both support and accountability to employees. The goal of creating a comprehensive workplace response is not to render abusers unemployed or unemployable, especially since research has indicated that unemployed male abusers pose a particular risk to the women they partner with^{ix}. Rather, the goal is to enhance workplace safety while also giving abusers a consistent message that violence against an intimate partner is unacceptable conduct and should never be tolerated or accepted in any setting.

Employer Awareness & Workplace Response

Many employers are aware of the problems of domestic violence in the community, and that it presents major challenges to a healthy, safe, and productive workplace. The resources are now in place to empower employers to act and create a comprehensive response, whether the employer is a small business that relies solely on local law enforcement, domestic violence programs, and batterer intervention programs, or a larger employer who can develop a comprehensive plan using company resources such as an Employee Assistance Program, security, and Human Resources.

A Corporate Leader Survey by Liz Claiborne, Inc.^x revealed that:

- 66% of corporate leaders said domestic violence is a major problem in today's society
- 56% of corporate leaders said they were aware of employees within their organization affected by domestic violence
- 68% said a company's financial performance would benefit if domestic violence were addressed among its employees
- Many reported that domestic violence has had a harmful effect on their own organization's staff, specifically on their psychological well-being (60%), their physical safety (52%), their productivity (48%) and their attendance (42%)

A 2006 survey of workplaces by the Bureau of Labor Statistics confirmed that:

- Over 70% of United States workplaces have no formal program or policy that addresses workplace violence.
- Of the 30% of workplaces in the U.S. that have some sort of formal workplace violence policy, only 44% have a policy to address domestic violence in the workplace. Only 4% of all establishments train employees on domestic violence and its impact on the workplace^{xi}

ⁱ *Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence*, Morbidity and Mortality Weekly Report. February 2008. Centers for Disease Control and Prevention.

Available at www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm

ⁱⁱ Corporate Alliance to End Partner Violence, 2005. *CAEPV National Benchmark Telephone Survey*. Retrieved January 3, 2010 from http://www.caepv.org/about/program_detail.php?refID=5

ⁱⁱⁱ Corporate Alliance to End Partner Violence, 2007. *CEO & Employee Survey 2007*. Retrieved January 3, 2010 from http://www.caepv.org/about/program_detail.php?refID=34

^{iv} Paymar, M., *Violent no more: Helping men end domestic abuse*. Alameda, CA: Hunter House Publications, 2000

^v *Costs of Intimate Partner Violence Against Women in the United States*. 2003. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Atlanta, GA. Retrieved January 9, 2004. http://www.cdc.gov/ncipc/pub-res/ipv_cost/IPVBook-Final-Feb18.pdf

^{vi} *Costs of Intimate Partner Violence Against Women in the United States*. 2003. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Atlanta, GA. Retrieved January 9, 2004. http://www.cdc.gov/ncipc/pub-res/ipv_cost/IPVBook-Final-Feb18.pdf

^{vii} *Maine Department of Labor and Family Crisis Services, Impact of Domestic Violence Offenders on Occupational Safety & Health: A Pilot Study, February 2004*

^{viii} Similarly, Employers Against Domestic Violence (Boston, MA) conducted focus groups with convicted male domestic violence offenders, and asked them about the impact their behavior had on their workplaces, and found that:

- Abusers made costly and dangerous mistakes on the job as a result of perpetrating domestic violence
- Most abusers used company phones, e-mail, and vehicles in order to perpetrate domestic abuse
- Most abusers used paid work time in order to attend court for matters relating to their perpetration of domestic violence
- Most employers expressed support for the abuser (but few expressed concern for the victim)
- 10% of employers posted bail for abusers or granted them paid leaves of absence for court dates related to domestic violence

(*Employers Against Domestic Violence, 2001, retrieved from*
<http://www.employersagainstdomesticviolence.org/batterers.html>)

^{ix} Several studies have indicated that unemployed male abusers pose a particular risk to the women they partner with:

- Campbell et al found that unemployment of the batterer was the greatest homicide risk factor for abused women. in a study femicide (Campbell, J., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93 (7)).
- A publication from the National Institute of Justice Special Report on batterer intervention programs showed that "...offenders' employment... demonstrated a strong tendency to relate to victims' reports of severe physical violence. Women involved with, but not married to, younger jobless men were more likely to report incidents of severe physical violence" (U.S. Department of Justice, Office of Justice Programs. (2003). *Batterer intervention programs: Where do we go from here?* (NCJ 195079). Washington, D.C.: Author, p.10).
- In addition, an alternative sanctions project evaluation in Polk County, Iowa found that a domestic violence offender's jobless status when he entered a batterer education program was a key risk factor for both domestic violence and non-domestic re-arrest (Polk County BEP Alternative Sanctions Project: Executive Summary. (N.D.) Polk County, Iowa. Retrieved September 30, 2009 from <http://ised.us/sites/default/files/Polk%20County%20Alternative%20Sanctions%203%20year%20Report.pdf>

^x Other findings included:

- 50% reported that domestic violence has had a harmful effect on their own organization's insurance and medical costs
- 32% said their company's bottom line performance has been damaged
- 91% believed that domestic violence affects both the private lives and the working lives of their employees
- 85% thought corporations are responsible for the general well-being of their employees
- 12% thought that corporations should play a major role in addressing domestic violence issues

(*Liz Claiborne Inc., study of Fortune 1,000 senior executives conducted by Roper Starch Worldwide, 2002*)

^{xi} *The Survey of Workplace Violence Prevention*, Bureau of Labor Statistics, October 2006

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Project Acknowledgments

Best Practices Introduction

Domestic violence and abuse involves a pattern of coercive behaviors that is used by a person to gain and maintain power and control over current or former family members or intimate partners. This can include: physical and sexual violence, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation, harm to children, economic control, destruction of personal property, and animal cruelty.

Domestic violence is a serious workplace issue that often goes unrecognized and unnoticed. Over the past ten years, a growing body of evidence has documented the need for specific business responses to domestic abuse. For the most part, these responses have been focused on supporting domestic abuse victims and survivors when abusers stalk and harass them at work, or otherwise sabotage their ability to maintain employment. Today, several national organizations and state domestic violence coalitions are prepared to assist employers with supportive and safe responses for employed victims and survivors.

However, creating a safe and accountable response to abusers in employment settings has not yet been examined in a formal, dedicated manner. The need for such a task has been clearly demonstrated in research conducted by the Maine Department of Labor and Family Crisis Services and published in a 2004 report entitled *Impact of Domestic Violence Offenders on Occupational Safety and Health: A Pilot Study*. Through interviews with 152 offenders enrolled in court-mandated batterer intervention programs, investigators found compelling reasons for employers to take notice when offenders report to work. Over three-quarters of offenders used workplace resources at least once to express remorse or anger, check up on, pressure, or threaten the victim; nearly three-quarters of supervisors were aware of the offender's arrest but rarely discussed the criminal nature of the behavior leading to the arrest with the employee; and over 15,000 hours of work time were lost to the 70 men who could not report to work because of the consequences of their conduct. Finally, nearly one-fifth of the sample reported a workplace accident or near miss accident from inattentiveness due to pre-occupation with their relationship. (To view the complete report, visit the Maine Department of Labor, Bureau of Labor Standards website for research at www.maine.gov/labor/labor_stats/publications/dvreports/domesticoffendersreport.pdf).

This effort seeks to address domestic violence and the workplace by responding directly to the source of the problem – abusers. The objective is not to prevent abusers from having gainful employment, nor is it to create a hostile work environment for those whose conduct results in legal action against them, whether civil or criminal in nature. It is an effort to engage employers in encouraging a respectful workplace and healthy relationships. Employees will recognize that accountability extends beyond the police and courts as employers consistently apply discipline when abusive conduct adversely affects the workplace. Over time, this will make a meaningful contribution toward ending domestic violence and abuse.

This Best Practices document was created to assist employers who have already developed a workplace response to domestic abuse but who have not yet incorporated specific responses to abusers, or seek to improve their current responses. The strategies below should not stand alone, but be integrated within an overall domestic violence workplace policy that identifies responses to both survivors and abusers in employment settings. Because of this, only limited attention will be given to the development of the employer's comprehensive response program and its foundational steps, such as creating a policy development team and comprehensive policy. Instead, each section will list a best practice regarding response to offenders, policy component,

procedure, employer options, and language where appropriate. In addition, each section will contain referrals for additional information.

The best practices below are designed to provide employers the leadership tools to create a workplace culture that 1) supports healthy lives and relationships/wellness, and 2) upholds the highest standards of safety. Each best practice, when exercised in the context of the whole, identifies appropriate opportunities for employers to participate in holding abusers accountable for their abusive behaviors, outlines employer options regarding expectations of employees, and places these actions within a framework of employer support for survivors of abuse.

Getting Started

◆ **Best Practice 1: Engage the local or statewide domestic violence prevention program as a partner in development, training, and ongoing consultation regarding domestic violence in the workplace. A list of the programs in Maine, including contact information, is available at <http://www.mcedv.org/MemberPrograms.htm>.**

◆ **Best Practice 2: Develop a domestic violence workplace policy and corresponding standard operating procedures to support the policy.** This should be accomplished through collaboration between an internal team, representative(s) from your local domestic violence prevention program and/or a national resource such as the Corporate Alliance to End Domestic Violence (CAEPV). Tailor the policy and procedures to size and resources of the organization. The policy addresses one particular type of employee misconduct, so should be proactively integrated with existing employment policies and union contracts, when applicable. Internal policies that support and strengthen the domestic violence policy – codes of conduct, threats of violence, and sexual harassment policies – should be cross-referenced in the policy manual, standard operating procedure documents, and employee handbook.

If the workforce is represented by a union, the internal team might include representatives from the union. Although not necessary, a labor-management initiative may promote overall acceptance and cooperation in enforcement of the company's policy.

Some employers may wish to build the domestic violence and abuse component into existing policies (safe workplace, threats of violence, sexual harassment, misuse of company property, e-mail/telephone usage) as opposed to investing additional time and resources into creating a separate, new domestic violence policy. This is an option, although we maintain that best practice is a free standing, domestic violence workplace policy. A free standing policy elevates the importance of a respectful workplace culture, and also puts domestic violence related employer responses in one place, which is helpful procedurally as domestic violence and abuse can encompass many different behaviors in the workplace.

For smaller employers who do not create extensive policies, the Occupational Safety and Health Act General Duty Clause – 29 U.S.C. §654 5(a)(1) – also provides a framework to create workplace responses to domestic violence related risks.

All employers can consider posting a list of state-specific employment laws relating to domestic abuse, along with community resources available to assist those affected by domestic abuse. In Maine, the Department of Labor has created an optional employment poster, available at <http://www.maine.gov/labor/posters/domesticviolence.pdf>.

For more detailed information on policy development, see Appendix A.

◆ **Best Practice 3: Develop a comprehensive domestic violence workplace training program. At a minimum, the program should include baseline training for all supervisors, managers, team leaders, security, human resource personnel, and employee assistance program providers, whether in-house or contracted. The training program should provide:**

- The employer's statement emphasizing a respectful workplace culture.
- A comprehensive overview of domestic violence and abuse.
- Local and national statistics.
- Effects of abuse on survivors, abusers, and the workplace.
- Safety planning options and supportive responses for survivors from managers, supervisors, and co-workers.
- Measures of accountability for abusers.
- A comprehensive list of referrals for help, including both internal and external resources for supervisors and employees.
- An overview of the employer's domestic violence workplace policy.

Abuser specific: At a minimum, the program should include **strategic training** for the policy development team, threat assessment team members, senior level managers, supervisors, security, human resource personnel, and other personnel who would be assessing risk and providing in-depth assistance and responses to abusers in the workplace. Strategic training should include:

- Information on the evaluation of background check information.
- Domestic violence risk assessment information.
- Specific risks that abusers pose to the workplace, including disruptive and violent behaviors, use of resources, potential for accidents, and public relations implications.
- Knowledge of criminal and civil process (classes of crimes, conduct that results in convictions, protection from abuse orders).
- Opportunities to build skills in understanding and responding to an abuser's worldview and patterns of conduct in all aspects of the employment setting, from hiring process to discipline to possible termination.
- Opportunities to practice appropriate employer language that maintains neutrality while enforcing accountability.

◆ **Best Practice 4: Screen potential employees for violent and abusive behaviors.**

Rationale: Employers can benefit by implementing screening procedures designed to identify applicants with a history of violent or abusive behavior. Employers may be liable for negligently hiring an employee "when they knew or should have known that the employee might commit a violent act or when they could foresee that the employee, through his employment, would create a risk of danger" (Norton, D., Moskey, S., Bernstein, E., 1999). Companies must be careful, however, to observe laws in their own states related to discrimination against ex-offenders and, in unionized settings, there must be a connection/nexus between a particular crime and the employee's job function in order to base hiring or employment decisions on the existence or contents of criminal records.

Policy Language: "Company XYZ utilizes a pre-employment process to ensure our company makes the best hiring decisions possible in a competitive labor environment. The pre-employment process includes a criminal background check and both personal and professional references. Company XYZ

reserves the right to withdraw an offer of employment and/or terminate an employee based on information obtained during the pre-employment background check process."

Procedures: At a minimum:

- Inquire about applicant's criminal history in paper or on-line application, or during a personal interview. Application questions may include: "Have you been convicted of a crime? How long ago? What was the crime?"
- If the applicant acknowledges a conviction, follow up with questions in the interview. Follow-up questions may include: "You indicate you were convicted of a crime two years ago. What was the crime? What was the resolution/sentence? Are you currently on probation? Are there any conditions limiting your movements or behavior in connection with this or any other criminal or civil court order?" Note: It is important for employers to be able to verify information that the applicant provides them. Questions about previous criminal conduct should be limited to only those that can be verified through the courts and/or local law enforcement.
- Reserve right to terminate if applicant has falsified information.
- Determine and document information to seek in background check for all classes of employees.
- As part of hiring process, conduct a criminal background check that includes criminal convictions for last seven years.
- Include a statement that reinforces healthy relationship culture.
- Ask for personal and professional references. Ask the primary references for two additional people who know the individual.
- Use the pre-employment process to orient potential employees to the respectful workplace culture by using a tagline before applicant signature:
"Company XYZ is committed to the physical and emotional safety and well-being of its employees, both within and outside of the workplace. We expect our employees to uphold the highest standards of respectful behavior within our workplace, and will vigorously investigate conduct that is or is perceived to be harassing or threatening to fellow employees, clients, customers, or vendors."

In addition, we encourage our employees to uphold the highest standards of respectful behavior in their homes and in the communities in which they live."

Options: Conduct integrity testing as a pre-screening tool. For more information about integrity testing, see Appendix B.

◆ **Best Practice 5: Evaluate information gathered in the criminal background check process in a comprehensive, consistent manner.**

Rationale: Information gathered in the criminal background check process is only as good as its analysis. It is critical to develop a comprehensive and informed analysis method that includes training for security and other personnel who are interpreting the results. A thorough understanding of domestic abuse is necessary, including knowledge of the local courts, classes of crimes, and types of conduct likely to result in particular convictions.

A pre-employment matrix can be a useful tool to examine background check results in an informed and meaningful way. The goal of a matrix is to weigh past criminal behavior against workplace expectations, job responsibilities, and the employment culture. The matrix should incorporate

knowledge about domestic violence, classes of crimes, and types of conduct mentioned above. For an example of a pre-employment matrix, see Appendix C.

Policy Language: “Company XYZ is committed to the consistent and fair analysis of background check results, and relies on both trained security and human resources personnel and a pre-employment matrix to synthesize information gained in the pre-employment background check process.”

Procedures:

At a minimum:

- Conduct research on the local courts, classes of crimes, and types of conduct likely to result in convictions for domestic violence-related criminal conduct.
- Develop a matrix system that will be utilized to evaluate pre-employment conduct arising from a criminal background check.
- Matrix should consider at a minimum:
 - severity of offense
 - how much time has elapsed since the offense
 - nexus between offense and job expectations
 - whether applicant's presence would negatively impact employee morale or productivity
 - whether applicant would/could represent a threat to other employees, customers or clients
 - whether hiring applicant would be compatible with organization's violence-free culture
- Ensure that domestic abuse training is provided for all personnel responsible for analyzing background check results (see “Getting Started”, pg. 2).

Options:

- Small employers who do not have the capacity to conduct background checks may turn to law enforcement, previous employer (may or may not provide information.), friends, family, and acquaintances.
“This is John Black, the owner here at Company XYZ, and I've received an employment application for Joe Smith who says on his application here that he has lived in Anytown, USA for the past five years. I just wondered if you could tell me anything about Mr. Smith in your capacity as the local police chief, since I don't run standard background checks.”

◆ **Best Practice 6: Orient your new employee to the respectful workplace culture within the first few weeks of hire and continue to reinforce this message throughout the employee's tenure.**

Rationale: Setting and maintaining expectations is an integral step in ensuring a respectful workplace. Employers have an opportunity to establish and reinforce a commitment to healthy relationships and a healthy workplace through consistent procedures such as orientation, use of written materials, policy sign-offs, and workplace safety or wellness meetings. Employers can make a meaningful contribution by talking openly about domestic violence as a workplace issue and equating healthy, non-controlling relationships with healthy employees.

Policy Language: "Company XYZ is committed to providing all associates with the necessary information to have a successful and productive work life. All employees are required to attend new employee orientation within # weeks of hire in order to receive important information about Company XYZ benefits, policies, procedures, and workplace safety. In addition, Company XYZ expects all employees to be in compliance with required trainings, including sexual harassment and domestic violence information sessions."

Procedures:

At a minimum:

- Design an orientation session that incorporates information about the perpetration of domestic violence and its effects on the workplace. Reference implications for workplace safety. Reinforce the employer's commitment to encouraging the physical and emotional health of employees both on and off the job. For more information on key orientation points, see Appendix D.
- Ensure that the orientation session leader is fully trained and prepared to respond to questions and comments about domestic violence. Do NOT put an improperly trained orientation leader in the session and expect her/him to be able to respond appropriately to difficult comments and questions. Domestic violence advocates can assist by training orientation leaders or collaborating in the delivery of the orientation sessions.
- Provide and discuss resources available to employees who are abusers or survivors.
- Include information about the perpetration of domestic violence in new employee packets, in employee handbooks, in electronic HR materials and policy books accessible by employees, where appropriate, and in physical locations throughout the workplace.
- Incorporate information about the perpetration of domestic violence into the workplace safety group and its annual agenda.
- Incorporate information about the perpetration of domestic violence in employee assistance program materials.

Options:

- Employers are increasingly utilizing web-based and other electronic training tools. This type of training may be an option to maintain employee exposure to the concept of healthy relationships/healthy workplace. For more information on existing web-based domestic violence training tools, see Appendix E.
- Videos are also an excellent resource. For information on existing workplace videos regarding domestic violence, see Appendix F.
- Partner with advocates from the local domestic violence program to help strategize for and/or deliver trainings.

◆ Best Practice 7: Screen for violent and abusive conduct during changes in job status, such as promotion or transfer.

Rationale: Employees may be hired for non-sensitive (sensitivity refers to the degree of risk and level of relative importance assigned to a specific position) positions even with a background check that shows some degree of criminal behavior or misconduct. These same employees may later be re-assigned through job transfers or promotion. Employers must implement a re-evaluation procedure at this point in time, as new positions may entail significant differences in responsibility, access to both

human and material company resources, and changes in public contact. Pre-hire conduct and background check should be analyzed against this new set of responsibilities. In addition, “integrity tests” may provide additional useful information about employee behavior. For more information about integrity testing, see Appendix B. Remember that companies must be familiar with and observe laws in their own states related to discrimination against ex-offenders and, in unionized settings, there must be a connection/nexus between a criminal history and the employee’s job function in order to base hiring or employment decisions on the existence of a criminal history.

Policy Language: “Company XYZ encourages all of its employees to grow and develop their skills, knowledge, and professional expertise. Transfers and promotions are both expected and encouraged when appropriate. In order to ensure the highest levels of workplace productivity and safety, Company XYZ has established transfer and promotion procedures that may include integrity testing, a review of the employee’s original application and background check materials, and/or a request for a new criminal background check. “

Procedures:

At a minimum:

- Review original application materials and original background check during internal transfer or promotion process.
- Establish and document criteria to determine when a job re-assignment will trigger a request for an additional criminal background check. This could include movement from an exempt to non-exempt position or from employee to supervisor. It could also include movement into a position determined to be sensitive, that increases access to company information, is markedly different from the position the employee had held previously, or that increases public contact.
- In situations that do not rise to the level of a second background check, include an opportunity for the applicant to reaffirm that there is no new criminal conduct since the original background check.

Options: Re-apply the original hiring matrix upon job transfer or promotion.

♦ **Best Practice 8: Investigate both internal and external allegations of abusive, threatening, harassing, and/or violent conduct, and respond with an appropriate measure of accountability.**

Rationale: At times, employers become aware of an employee’s abusive, threatening, harassing, and/or violent conduct that has occurred either within or outside of the workplace. Internally, employers may, for example, become aware when dating or married co-workers bring a complaint against the other, or when the employee obtains a civil order of protection preventing direct or indirect contact between the employee and former spouse or dating partner. Supervisors may also observe abusive or threatening conduct at work, and co-workers sometimes come forward and report misconduct that they have personally observed.

Externally, employers become aware when an employee’s conduct results in media reports, through law enforcement actions and investigations, or when a survivor, attorney, or process server contacts the workplace. Employees may be arrested, become subject to a protection order, become incarcerated, lose work time, and have multiple court dates. While it is important to respect employee privacy, an employer also has an obligation to respond to employee conduct as it affects workplace safety and productivity.

Therefore, employers should conduct personnel investigations into allegations of abusive, threatening, harassing, and/or violent conduct on the part of an employee to determine if there is a threat or potential threat to workplace safety. The investigation should be timely, targeted, and confidential. It should carefully follow the procedural requirements for personnel investigations that may exist by virtue of company policy or union contract. The employer should then act accordingly based on information gained.

Employers must carefully consider their actions when they have an employee who exhibits abusive, threatening, harassing, and/or abusive behavior. Employers may face liability (negligent hiring, supervision, retention) if they are aware that an employee may present a threat to others in the workplace and they fail to address it. Employers may also be liable for harassment issues, even if they weren't directly aware, because it can be argued that they should have been aware of such activities in the workplace.

In cases of arrest, it is not unusual for employees to turn to an employer to post bail, particularly in a smaller business setting where company owners know their employees well. In these settings, each employee plays a vital role and one person's absence from the job site can have a critical impact. Even so, employers should carefully consider the potential impact of such action. The business owner's decision to provide bail in a domestic violence case could have severe consequences for the safety of the survivor, public safety, and public relations should the employee commit another criminal act while on bail. **The employer's difficult labor situation and/or need to get the employee back to work quickly should not outweigh the safety of others: employees, clients, customers, or the general public.**

In all cases, formal discipline should begin when the workplace is adversely affected. While an employer may find an employee's off-duty conduct morally repugnant, disciplinary action must be based on the reported and documented effects to the workplace (or "nexus to" the workplace) and should not reference the employer's distaste for the conduct. While criminal convictions provide added impetus to the employer's case for discipline, arrests and/or or multiple arrests may also be grounds for discipline, up to and including termination. Depending on the circumstances of the crime, the effect on the workplace, and the employer's documented policies, private employers may at times terminate an employee based on an arrest alone. It would be best practice to seek the advice of counsel before terminating an employee based on an arrest or conviction for off-duty domestic violence.

Policy Language: "Company XYZ is committed to the physical and emotional safety and well being of its employees, both within and outside of the workplace. We expect our employees to uphold the highest standards of respectful behavior within our workplace, and will vigorously investigate conduct that is or is perceived to be abusive, threatening, harassing, and/or violent to fellow employees, clients, customers, or vendors. Disciplinary action may be taken upon the results of the investigation, up to and including termination.

In addition, Company XYZ encourages its employees to uphold the highest standards of respectful behavior in their homes and in the communities in which they live. To the degree that an employee's abusive, threatening, harassing, and/or violent conduct outside of the workplace becomes known to Company XYZ and has the potential to adversely affect the workplace and/or workplace safety, it will be investigated. Disciplinary action may be taken upon the results of the investigation, up to and including termination."

Procedures:

At a minimum:

- Identify types of reported conduct that will trigger an investigation to inform employees and managers about employer expectations and consequences.
- As with all areas of misconduct in the workplace, consider procedural policy or union contract requirements.
- Review original application and background check materials upon acquiring information about an employee's alleged internal or external conduct that is abusive, threatening, harassing, and/or violent. This first step should help to determine if the employee's alleged conduct is a pattern of behavior.
- Document the facts of the case as presented to you, including where and how the information was obtained, time and date of report, time and date of employee's alleged conduct, known witnesses, actions already taken, and current status of employee.
- Convene the workplace team that investigates allegations of misconduct.
- In an investigation of internal conduct, immediately interview witnesses and document their responses.
- If written procedures necessitate an investigation of external conduct:
 - Interview any internal witnesses who may have witnessed the external conduct. Record the information gathered.
 - Contact local law enforcement to gather information.
 - Has this happened before?
 - Was this a violent crime?
 - Was the employee arrested?
 - Was the victim injured?
 - What were the circumstances?
 - What was the charge, if any?
 - Do I need to be concerned for this person's safety or the safety of the people around him/her?
 - Meet with the employee to provide an opportunity to respond to the allegations. Document the meeting's date, time, participants, and information gained from employee. [Note: There are restrictions governing the interviewing of accused employees in unionized settings.]
 - Assess the information and workplace impact.
 - What is the credibility of the information?
 - Are the sources reliable?
 - Does an investigation reveal that this is a pattern of conduct?
 - Is the employee's story consistent with law enforcement or other credible sources?
 - What is the impact to the workplace?
 - Is there any indication that the employee has used company resources to engage in abusive, harassing, threatening, and/or violent conduct?
 - Has the workplace been adversely affected?
 - Are co-workers aware of the alleged offense/misconduct?
 - Will this employee's return to work result in fear, reduced productivity, or other negative consequences?
 - Will the employee's work unit be adversely affected should the employee lose work time?

- Does the company value this employee's service?
 - Has the employee been disciplined in the past, and was discipline successful?
- What is the impact to the employee?
 - Is it likely that this will result in criminal prosecution?
 - Will the employee need time off?
 - What is the status of the employee's leave bank?
 - Given the situation, can the employer implement a response that will be protective in nature, allowing the employee to maintain the job while also creating accountability and a strong message against such conduct in the future?
- Are there implications for workplace safety?
 - Is this a pattern of behavior?
 - Will the employee require increased supervision in order to maintain workplace safety, and can the employer accommodate that need?
 - Does the employee operate equipment or machinery that could create the potential for an accident due to distraction from personal circumstances?
 - If the case involves married, dating or former partners and/or a civil order of protection, can the employer help protect the survivor from direct or indirect contact?
 - Has the conduct involved or been witnessed by coworkers or subordinates? Are there implications from that involvement that require the employer's response to avoid negative consequences?
- Make and document a plan.
 - Process the information through the pre-employment matrix, determine if employee can safely return to work, and determine if any disciplinary action is necessary. Reminder: Formal discipline should begin when the workplace is adversely affected.
 - If the employee is going to be out of work for a period of time, clarify expectations for communication during the employee's absence. Clarify dates for return to work. Arrested employees who must miss work should utilize the same leave options available to all employees depending on the employer's policies. These may include paid or unpaid leave. Employers should not extend leave options to arrested employees that may not be available to other employees under other circumstances.
 - If the employee's arrest or other misconduct has had a significant effect on the workplace, schedule a meeting to occur immediately upon employee's return to work. In a unionized setting, arrange to have a union representative at this meeting. This is critical if you intend to ask the employee any questions about the alleged conduct, and if the answers to those questions could lead to discipline.
 - Discuss nature of offense, impact on employer (co-workers, productivity, safety, etc), connection/nexus between conduct and public relations, and connection/nexus between conduct and job function, if one exists. Make a clear statement that this conduct is not tolerated in the workplace. Inquire about time off needs, criminal process, keeping employer apprised of court appearances, and recovering bail money, if applicable.

- REMAIN NEUTRAL TO COMMENTS MADE ABOUT THE SURVIVOR, whether the comments are made by the employee in question, or by other employees during the proceedings.
- If disciplinary action is necessary, document action to be taken and impose discipline upon employee's return to work. Law enforcement agencies may be able to provide suggestions and/or services to enhance safety in these circumstances.

♦ **Best Practice 9: Comply with service and requirements of civil orders of protection.**

Rationale: Victims and survivors of domestic violence and abuse access multiple sources of help while trying to be safe from an abuser. At times, survivors may turn to the local court and ask a judge to issue a civil order of protection, also called a protective order or restraining order. This is an effort on the part of the survivor to prevent the abuser from continued abuse, and may include limiting contact whether direct (phone calls, visits, emails from the abuser) or indirect (having a co-worker, family member, or friend of the abuser contact the survivor). While a protection from abuse or protection from harassment order is a civil matter, violation of the order is a criminal offense. However, violation of a protection order is not actionable until the subject of the order (the defendant) has received notice that the order has been issued. Therefore, law enforcement agencies or process servers may contact the defendant's employer to learn of the defendant's whereabouts so that the defendant can be served.

Service of protection orders can be very challenging in cases where the defendant deliberately avoids service. Employers should not interfere with the service of protective orders by protecting the employee, warning the employee, or not allowing the server access to the employee. Rather, employers have an opportunity to strengthen the respectful workplace and healthy relationship culture by: 1) facilitating the orderly service of protection orders that involve their employees; and 2) by creating a work plan so that an employee who is a defendant can comply with the conditions of a protection from abuse order as it affects the employee's job. The latter may happen when both the survivor and offender are employed in the same workplace and one obtains a protective order against the other, or when an employee's regular job responsibilities (for example, a driver who delivers products to multiple locations) places that employee in contact with the survivor (who is employed at one of the delivery points).

Employers have many options to assist with the orderly service of protective orders and can develop a process that protects the confidentiality of the defendant while also supporting the civil court process.

Policy Language: "Company XYZ will provide limited employee information to law enforcement officials, court officers, and civilian process servers on a case by case basis, and will facilitate service of, and compliance with, civil orders that affect the workplace."

Procedures:

At a minimum:

- Research the protection from abuse and harassment process in your area. Determine how protective orders are served and who serves them. This information can be obtained by contacting the local court or a law enforcement agency.

- Provide local process servers and their employer (court, sheriff's department, police department) with your company's written policy on service of protective orders.
- Identify a company contact (security, general manager, human resource person) for process servers to notify when service must be made to employees.
- Determine a routine process for service of protective orders and other legal documents.
Options:
 - The company contact may make arrangements to have the process server come to a private location at the worksite so service can occur there. The employee may request having a member of security or human resources present if desired.
 - The company contact noted above can alert the employee that a process server has been in contact and that the employee needs to resolve this personal matter outside of the workplace as a condition of continued employment.
- Discuss and respond as a performance issue if an employee refuses to be available to a process server, as this interferes with the functioning of the business.
- Proactively support an employee who is a defendant in a protection order by helping the employee to abide by conditions of the order. For example, discuss the possibility of phone calls or visits from the survivor at the workplace, and create a plan to respond by installing caller ID if none exists, or by alerting the employee if the survivor is on the premises so he can remain in his own workspace. Do this in a manner that acknowledges the difficulty of the circumstances and the possibility the survivor may try to have contact, but not in a way that colludes with the employee's abusive conduct or sides against the survivor.
- In cases where one co-worker obtains a protective order against another, any employment changes necessary to comply with no contact or other conditions should inconvenience the defendant and not the survivor. For example, the survivor should not be penalized by being relocated to a different department, having to alter her/his hours, or being moved to alternate physical workspace.

◆ **Best Practice 10: Develop a protocol for a separation of employment that incorporates safety of all personnel and a respectful process for the terminated worker.**

Rationale: A separation process protocol should be part of the "tool box" of policies and procedures that address workplace response to domestic violence, before there is an emergency situation requiring termination of employment. Having such a protocol in place, and staff trained to carry out the process, are key steps toward enhancing the safety of the employer, employee, co-workers, the survivor, and the public when termination of employment is necessary.

Employers should be careful to recognize the potential danger to survivors of domestic abuse when the abuser's employment is terminated. Actions taken against the abuser can directly impact the survivor in the form of retaliation, loss of financial support, and increased danger to the survivor's physical and emotional safety. In cases when an employer is concerned that an abusive employee may become violent following termination, employers can enhance victim safety by alerting local law enforcement and/or providing de-identified information to the local domestic violence program for help in analyzing potential safety issues.

Employers should also note that their sphere of influence is legally and ethically limited to the employee and employment setting alone. Employers should not directly contact a non-employee spouse or partner with information about a pending termination.

In cases where the survivor is an employee, it may be necessary to create a workplace safety plan to ensure the survivor's safety both during and post-termination. In addition, an employer can refer the survivor to the local domestic violence program and the Employee Assistance Program for additional support and personal safety planning.

Policy Language: "Company XYZ follows established procedures during separation of employment. These procedures are designed to ensure a respectful and safe separation process."

Procedures:

At a minimum:

- Evaluate and document the results of the investigation, the severity of the employee's actions, the employee's past performance and behaviors, and impact on company productivity, liability, and employee morale. This thorough and documented evaluation serves as the basis for the decision to terminate.
- If in a unionized setting, carefully follow procedural requirements for termination.
- Conduct a risk assessment (employee, employer, co-workers, witnesses, survivor, the public) and involve security or law enforcement if necessary. Gather all essential data and make an informed assessment of the impact of possible next steps.
- In cases where the survivor is an employee and the risk assessment deems it necessary, create a workplace safety plan with the survivor before the separation process begins, and refer the survivor to the local domestic violence program and Employee Assistance Program for additional support and personal safety planning.
- Ensure that the employee clearly understands the relevant policies, as well as which policies were violated.
- Provide the employee an opportunity to explain his/her actions (in the presence of a union representative if in a unionized setting).
It is important that the process is respectful and represents both the employer and the employee's perspective.
- Ensure the safety of the company representative delivering the termination decision; alert or involve security if necessary. Consider who should deliver the message or be part of the discussion, based on the risk assessment, and where the discussion should occur, onsite or off. Have a plan to protect the person delivering the message in the event the employee becomes aggressive. Discuss possibilities and work out a plan of action.
- If the survivor is an employee, review the workplace safety plan together with appropriate parties who will implement the plan. Make a date to check in at a future time to review next steps.
- If the survivor is a non-employee and the risk assessment deems it necessary, contact local law enforcement or the survivor's attorney, if known, to notify them of possible safety concerns following the termination. The employer may also contact the local domestic violence program and express concern for the non-employee survivor, without providing details of the action taken against the abuser/employee. Contact should not be made directly to the non-employee survivor.
- If necessary, consider a court order forbidding contact with the workplace.
- Implement additional security procedures/precautions within the workplace as deemed necessary based on the risk assessment, and review periodically until the danger has passed. Law enforcement agencies may be able to provide suggestions and/or services to enhance safety in these circumstances.

♦ Best Practice 11: Consider culturally specific responses to Domestic Violence

Domestic Violence affects people regardless of race, ethnicity, class, sexual and gender identity, religious affiliation, age, immigration status and ability. Because victims of domestic violence may experience the abuse in culturally specific ways, employers should consider the cultural background and the unique issues faced by the victim and abuser in order to tailor a response to meet their needs. Most likely, your human resources department has existing guidelines to follow.

Deaf and disabled women experience domestic abuse at the same rate as their non-disabled peers but the violence is different:

- Violence is more severe violence
- Violence happens over a longer time period
- Violence includes larger number of perpetrators

Whether they are the person abused or the abuser, deaf and hard of hearing (D/HH) employees often do not have access to resources for advocacy, legal address, or treatment. Many local resources do not have TTY, videophone or sign-language services and have no training in serving D/HH people. Deaf Communities are small communities; there is a greater fear that word will leak out and they could be ostracized from the community. People who are D/HH deaf or severely hard of hearing rely on visual means to communicate over telephone lines which may be overseen or accessed by their abuser.

The workplace may be the only safe place for them to telephone to disclose or seek assistance. Employers can assist by ensuring that employees have access to private TTY or videophones and that domestic violence policies and materials contain TTY and videophone numbers for local domestic violence resources and national hotlines. Policies and materials should be written in clear and simple English and state who may disclose information and to whom. Any domestic violence response teams should ensure that interpreters are available if needed to communicate with a survivor or an abuser. If an interpreter is needed, the deaf employee should be asked for names of preferred interpreters or be made aware of the name of the interpreter and have an opportunity to ask for a different interpreter before the meeting if they have concerns about the interpreter's behavior around confidentiality and work-community boundaries.

Appendix A**Domestic Violence and the Workplace Policy Development Outline****I. Develop a working relationship with your local domestic abuse organization.**

The local domestic abuse program offers the following services:

- Crisis intervention, advocacy, safety planning, and shelter for survivors of domestic abuse
- Consultation and training for employers on workplace responses
- Domestic abuse response and prevention education for service providers, schools, community groups, and organizations

II. Create a domestic violence response team within your workplace.

Include representatives from a variety of departments or areas of responsibility, such as:

- Human Resources
- Loss Prevention/Security
- Employees/Associates
- Public Relations
- Legal Department

- Employee Assistance Program
- Union Representative (if applicable)

III. Provide your response team with a comprehensive domestic violence response training developed and delivered in collaboration with your local domestic abuse program.

Training will assist the team in:

- Understanding the dynamics and effects of domestic abuse
- Identifying signs of employees living with abuse
- Reviewing workplace impact through case studies
- Recommending appropriate outreach to those in need
- Identifying internal and external resources for the team, employees, and organization

IV. Through your response team, develop and roll out a Non-Violence Policy Statement that says:

- We will provide a workplace free of threats, fear, and violence
- We will respond and react to threats and potential violence
- We will support our employees to access resources to assist with violent and abusive situations

V. Define the roles of Managers and Supervisors, Loss Prevention, Security, Human Resources, EAP, and other identified responders when domestic abuse cases come forward.

- Provide training to all parties who will play key roles
- Emphasize goals of increasing safety for abused employee and accountability for abusive employees
- Create response protocols
- Define confidentiality and protocol for determining who may need to know certain information and how that information is to be shared and documented

VI. Implement an employee awareness campaign.

- Invite advocates from local domestic abuse agencies and batterer intervention programs to conduct “lunch and learn” sessions
- Provide domestic abuse agency service brochures and safety cards in private locations such as restrooms
- Post the corporate domestic violence policy
- Offer information in employee newsletters, place hotline numbers on pay stubs, and/or send e-mail reminders about domestic abuse
- Create a culture of safety that both encourages abused employees to come forward for assistance and resources, and encourages abusive employees to take responsibility for their behavior and seek appropriate assistance

VII. Emphasize what to do if someone you know is being abused.

- Ask direct questions about the situation
- Listen without judging
- Let her/him know help is available
- Help the person identify support people and resources
- Take no action on behalf of a victim of domestic abuse without her/his consent unless legally obligated to do so, and assure her/him of your commitment to keeping the information confidential or the limits of your ability to do so

- Encourage her/him to talk about the abuse with their doctor and have it documented in medical records
- Remind her/him that domestic violence is a crime and to consider calling law enforcement
- Offer the option of a protection from abuse order
- Help the person connect with the local domestic abuse agency for assistance with all of the above

VIII. Be an active community leader in helping to end domestic violence.

- Hold fund-raising events to support your local domestic violence program
- Donate money directly to your local domestic abuse program
- Provide contributions of in-kind or pro bono services
- Share your workplace domestic violence policy with other community leaders and encourage them to create a response plan of their own
- Participate in the local task force on domestic violence to be part of an effective coordinated community response to address this injustice and build a safer community for all

Source: Maine Coalition to End Domestic Violence, 104 Sewall Street, Augusta, Maine 04333, www.mcedv.org.

Appendix B

The U.S. Congress Office for Technology Assessment defines honesty and integrity tests as “written tests designed to identify individuals applying for work in such jobs who have relatively high propensities to steal money or property on the job, or who are likely to engage in behavior of a more generally ‘counterproductive’ nature. Counterproductivity in this context often includes types of ‘time theft,’ e.g., tardiness, sick leave abuse, and absenteeism.”

Source: U.S. Congress, Office of Technology Assessment. The Use of Integrity Tests for Pre-Employment Screening, OTA-SET-442 Washington, DC: U.S. Government Printing Office, September, 1990. Retrieved from http://www.theblackvault.com/documents/ota/Ota_2/DATA/1990/9042.PDF

Appendix C

Example of pre-employment matrix:

GUIDELINES FOR TERMINATIONS OF APPLICANTS AND NEW EMPLOYEES WITH PRIOR CRIMINAL CONVICTIONS		
I. OVERVIEW		
All applicants for employment at our company must report on their application form whether they have any prior criminal convictions. Successful applicants must also sign a Release Form that authorizes the company to conduct criminal background checks. The criminal background investigation may result in employment offers to applicants being rescinded and, in cases where employees have started work, employees being terminated. These guidelines are intended to clarify this process for leadership and to ensure consistency and fairness in our company's hiring practices.		
II. THE EMPLOYMENT SCREENING PROCESS		
Conviction	Timeframe	Decision
1. Class A, B or C crimes in Maine. Felony convictions in other states.	Within last 25 years	Ineligible for employment.
2. Class A, B or C crimes in Maine. Felony convictions in other states.	25+ years ago	Subject to review to determine eligibility for employment.
3. Class D crimes in Maine and comparable class misdemeanors in other states.	Within last 5 years	Ineligible for employment.
4. Class E crimes in Maine and comparable class misdemeanors in other states	Within last 5 years	Review seriousness of offense to determine eligibility for employment.
5. Class D and E crimes in Maine and comparable class misdemeanors in other states	More than 5 years ago unlimited	Review seriousness of offense to determine eligibility for employment.
Nondisclosure on Forms		
Conviction	Timeframe	Decision
1. Failure to disclose Class A, B or C crimes in Maine and comparable convictions in other states	Unlimited	Ineligible for employment.
2. Failure to disclose Class D and E crimes in Maine and comparable convictions in other states	Within last 5 years	Ineligible for employment.
3. Failure to disclose Classes D and E crimes in Maine and comparable convictions in other states	More than 5 years ago	Review seriousness of offense to determine eligibility for employment.
Warrants/Pending Charges		
1. Active warrants for arrest for any class of crime	Unlimited	Applicant must resolve issue before further consideration for employment. If conviction results from warrant, then the seriousness and date of the offense(s) will be reviewed to determine eligibility.
2. Pending charges	Unlimited	If an applicant has a pending charge(s), he/she will not be permitted to start employment until the charges have been adjudicated. At that time, the seriousness and date of offense(s) will be reviewed to determine eligibility. If the individual is employed, the seriousness of the offense(s) and the impact on the business will determine whether the employee remains at work, or is placed on unpaid leave pending resolution of the charges.

Appendix D

Key orientation points include:

- Domestic violence as a workplace issue
- The dynamics and effects of domestic violence and abuse
- Community resources (local domestic violence programs, law enforcement, etc.) and internal resources (Human Resources, Employee Assistance Program, managers and supervisors, identified responders, etc.)
- Gaining familiarity with the policy and protocols
- How to recognize domestic violence in the workplace, and appropriate co-worker response to survivors and abusers
- Elements of the workplace response including the process of workplace safety planning and when specific discipline may apply

Appendix E

Domestic violence in the workplace e-tools:

- Maine Department of Public Safety: <http://www.myworkplacehelp.com/>
- U.S. Dept. of Labor, Occupational Safety and Health Administration:
http://www.osha.gov/workplace_violence/wrkplaceViolence.Table.html

Appendix F

Domestic Violence: The Workplace Responds

Survivors of domestic violence, their co-workers, employers, and experts share real-life stories that powerfully demonstrate the impact of domestic violence on the workplace. This 15 minute video shows employers and co-workers how they can assist employees who are in abusive relationships. Available only in DVD format from the Family Violence Prevention Fund: <http://fvpfstore.stores.yahoo.net/domviolworre.html>

Silent Storm: Intimate Partner Violence and Stalking – The Impact on the Workplace

Intimate partner violence is pervasive...affecting 1 in 4 women in this country. Recent reports indicate that intimate partner violence has already entrenched itself in every mid- to moderate-size company at a cost of over \$4 billion per year in lost productivity, increased healthcare costs, and absenteeism. To help organizations manage this growing problem, the Center for Personal Protection and Safety is proud to announce the release of Silent Storm, an instructional video training program designed to increase awareness of intimate partner violence and provide tools to increase safety in the workplace. Available in DVD format from The Richardson Company: <http://www.rctm.com/Products/workplaceviolence/8867.htm>

When Domestic Violence Comes to Work

Training program for both employees and managers about the impact of domestic violence in the workplace. Available in DVD/VHS format from Intermedia: <http://www.intermedia-inc.com/title.asp?sku=WH02&subcatID=29>

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The Workplace Safety Plan

At work, the victim/survivor and employer may want to discuss the following safety ideas:

- **Contacting the local domestic violence project;**
- Obtaining a protection from abuse order. Make sure that it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the police, the employee's supervisor, Human Resources, the employee's reception area, the Legal Department, and Security;
- Providing a picture of the perpetrator to reception areas and/or security;
- Identifying an emergency contact person should the employer be unable to contact her/him;
- Reviewing the safety of the victim/survivor's parking arrangements.
- Having Security and/or a colleague escort the victim/survivor to her/his car or public transportation;
- Changing and/or having unpredictable rotations of the victim/survivor's work schedule, work site, or work assignment if such a change is possible and would enhance safety at work;
- Having heightened awareness of safety during especially dangerous times, such as when the victim/survivor is leaving the relationship or after a protection from abuse order has been obtained;
- Installing additional security measures for the work site such as surveillance cameras, mirrors at entrances, parking lot alarms, and electronic entry systems;
- Having the victim/survivor's telephone calls screened at work to prevent access by the abuser, changing extension numbers, work cell phone number, and email addresses, and having any identifying contact information removed from the company's electronic and printed documents;
- Reviewing procedures for capturing and storing evidence such as voicemail recordings or video surveillance for use in prosecution when applicable;
- Reviewing the safety of childcare arrangements, whether it is on-site at the company or off-site elsewhere. If an order for protection from abuse is in place, it can usually be extended to the childcare center. The abused employee should consult with the company's legal and security services for guidance if the childcare is on-site; and
- Providing the victim/survivor with a cell phone pre-programmed to dial 911.

The Personal Safety Plan

Domestic violence advocates are available 24-hours a day to provide free and confidential assistance to victims/survivors. In Maine, the Domestic Violence Helpline number is 1-866-83- 4HELP. The victim/survivor may benefit from speaking with a domestic violence advocate about the following personal safety planning ideas.

The advocate may ask some of the following questions when discussing safety with the victim/survivor:

- In what way can I (and others) help you?
- What do you need to be safe?
- What particular concerns do you have about your children's safety?
- What have you tried in the past to protect yourself and your children? (Ex: left for a few days, sought help from family or friends, fought back, got a protection from abuse order) Did any of these strategies help? Will any of them help you now?

If the victim/survivor has had the perpetrator evicted or is living alone, she/he may want to consider:

- Changing locks on doors and windows;
- Installing a better security system – window bars, locks, better lighting, smoke detectors, and fire extinguishers;
- Teaching the children to call the police or family and friends if they are snatched;
- Talking to schools and childcare providers about who has permission to pick up the children and developing other special provisions to protect the children;
- Finding a lawyer knowledgeable about family violence to explore custody, visitation, and divorce provisions that protect the children and the victim;
- In rural areas where only the mailbox will be visible from the street, covering the box with bright colored paper so the police can more easily locate the home;
- Obtaining an order for protection.

If the victim/survivor is leaving the perpetrator, s/he may review the following:

- How and when can you most safely leave? Is transportation available? Is money available? Do you have a place to go?
- Is the place you are fleeing to safe?
- Are you comfortable calling the police in an emergency?
- Who will you tell or not tell about leaving?

- What is in place to prevent the partner from finding you?
- How will travel to and from work and childcare be made safe?
- What community or legal resources will assist with safety? Write down their addresses and phone numbers.
- Do you know the number of the local domestic abuse project?
- What custody and visitation provisions would keep you and the children safer?
- Would a protection from abuse order be a viable option?

If the victim/survivor is staying with the perpetrator, s/he may review the following:

- In an emergency what works best to keep you safe?
- Who can be called in a crisis?
- Can a signal be worked out with the children to call the police or get help if the violence starts again?
- If you need to flee temporarily, where can you go? (Help to think of several options.)
- What are the escape routes from the house?
- Identify dangerous locations in the house and advise the victim/survivor not to be trapped in them.
- If there are weapons in the house, explore ways to have them removed.
- Advise that an extra set of keys be made and to hide some money in case of an emergency.
- Remind the victim/survivor that in the middle of a violent assault, it is always best to trust her judgment about what is best – sometimes it is best to flee, sometimes to placate the assailant – anything that works to protect herself.
- Advise the victim to have the following available in case she/he must flee:

Birth certificates ~ Social security cards ~ Marriage and driver's licenses and car title ~ Bank account number, credit and ATM cards, savings passbooks ~ Lease/rental agreements, house deed, mortgage papers ~ Insurance information and forms ~ School and health records ~ Welfare and immigration documents ~ Medications and prescriptions ~ Divorce papers or other court documents ~ Phone numbers and addresses for family, friends, and community agencies ~ Clothing and comfort items for her/him and the children ~ Keys ~ Copy of protection/abuse order

Did you know?

Maine law protects employed victims of domestic violence through Bureau of Labor Standards and Bureau of Unemployment Compensation statutes. These laws are useful tools for employers when victims need special assistance in the workplace.

Employers should ensure that their workplaces are in compliance with these laws, and that victims of domestic violence are made aware of the protections available to them.

Employment Leave for Victims of Violence

Title 26, Chapter 7, Subchapter 6-B, §850.

Employers must grant reasonable and necessary leave from work if an employee or employee's daughter, son, parent, or spouse is a victim of domestic violence, sexual assault, or stalking.

The employee can use this leave to prepare for and attend court proceedings; receive medical treatment; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

Exceptions to this would include the following: if the leave would cause the employer to sustain undue hardship from the employee's absence; if the request for leave is not communicated to the employer within a reasonable time under the circumstances; or if the requested leave is impractical, unreasonable, or unnecessary based on the facts then known to the employer.

For more information go to <http://www.mainelegislature.org/legis/statutes/26/title26sec850.html>

Unemployment Compensation

Title 26, Chapter 13, §1193, #1(A)(4).

Disqualification: An individual who voluntarily leaves work may not be disqualified from receiving benefits if the leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

For more information go to <http://www.mainelegislature.org/legis/statutes/26/title26sec1193.html>

Title 26, Chapter 13, § 1043, #23(B)(3).

Misconduct: Misconduct may not be found solely on actions taken by the employee that were necessary to protect the claimant or an immediate family member from domestic violence if the employee made all reasonable efforts to preserve the employment.

For more information go to <http://www.mainelegislature.org/legis/statutes/26/title26sec1043.html>

Please note: Unemployment claims resulting from domestic violence are charged to the general unemployment fund, not to the individual business from which the worker was employed. For more information contact the Maine Unemployment Benefits Division at (207) 287-3805. To reach an Unemployment Call Center call 1-800-593-7660 or TTY, 1-888-457-8884.

COMPANY XYZ

Please note: This domestic violence workplace policy was implemented with consultation and training assistance from the Maine Coalition to End Domestic Violence. Please contact your local domestic violence project or the Maine Coalition to End Domestic Violence for appropriate supervisory and management training to support your policy.

POLICY CONCERNING WORKPLACE RESPONSE TO DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**I. PURPOSE**

Given that domestic violence is a serious public policy concern Company XYZ recognizes its obligation as an employer to provide special assistance to victims of domestic violence, sexual assault, and stalking.

Company XYZ recognizes that domestic violence can be a workplace issue for both victims and abusers. Domestic violence does not stay at home when employees go to work, and victims can be especially vulnerable while they are at work.

Company XYZ establishes this policy to create a work environment in which employees are comfortable discussing issues of domestic violence, sexual assault or stalking, and more importantly, an environment in which employees affected by these issues feel comfortable contacting any supervisor or Responder to seek support from the Department and to learn about available resources.

Assistance to employees will be guided by the following policy sections addressing:

- Confidentiality
- Response and Assistance to Employees Who are Victims
- Response and Assistance to Employees Who are Perpetrators
- Training and Outreach
- Non-Retaliation
- Domestic Violence, Sexual Assault, Batterers' Intervention, and Employee Assistance Program resources are attached to this policy.

Company XYZ will not tolerate domestic violence, sexual assault or stalking in the workplace, and will take action to prevent and correct the misuse of the company's resources in connection with domestic violence, sexual assault or stalking, including harassment or violent or threatening behavior that may result in physical or emotional injury to any employee, while in offices, facilities, work sites, vehicles, conducting company business, or traveling on behalf of the company.

II. DEFINITIONS

- A. Abuser/Perpetrator:** An individual who commits domestic violence, sexual assault or stalking.
- B. Domestic Violence:** A pattern of coercive behavior that is used by a person against family or household members to establish and maintain power and control over the other party in the relationship. This behavior may include physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property.
- C. Responders:** Employees with supervisory responsibility and other designated individuals who will respond to victims and abusers and who will receive comprehensive training on best practices for identifying and responding to domestic violence, sexual assault, and stalking.
- D. Sexual Assault:** An act of sexual violence whereby a party forces, coerces, or manipulates another to participate in unwanted sexual activity. This behavior may include stranger rape, date and acquaintance rape, marital or partner rape, incest, child sexual abuse, sexual contact, sexual harassment, ritual abuse, exposure, and voyeurism.
- E. Stalking:** Repeated unwanted contact between two people that directly or indirectly communicates a threat or places the victim in fear. Stalking may occur between intimate partners, acquaintances, or strangers. Stalking behaviors include but are not limited to: following a person; appearing at a person's home or place of business; making harassing phone calls; sending letters or e-mails; leaving written messages or objects; or vandalizing a person's property. In Maine, stalking is a crime and is defined more specifically in the criminal statutes in 17-A M.R.S.A. §210-A.
- F. Company Resources:** Including, but not limited to, workplace telephones, cell phones or pagers, facsimile machines, mail, electronic mail, a company vehicle, a company credit card, a firearm, or other company employees.
- G. Victim:** An individual subjected to domestic violence, sexual assault or stalking.
- H. Workplace:** An employee is considered to be in the workplace when the employee is conducting company business, is in company-owned or leased workspace, is using the facilities or services of the company, is using company resources or equipment, is wearing a uniform, is using a vehicle that is owned or leased by the company, is attending a work-related conference, or is traveling on behalf of the company.
- I. Workplace Safety Plan:** A strategy developed in collaboration with a victim to implement workplace safety options, including, but not limited to: setting up procedures for alerting security or police; temporary relocation of the victim to a

secure area; voluntary temporary transfer or permanent relocation to a new work site; reassignment of parking space; escort for entry to and exit from the work site; responding to telephone, fax, e-mail, or mail harassment; and, keeping a photograph of the abuser or a copy of an existing court order in a confidential on-site location and providing copies to designated personnel.

III. PERSONS COVERED BY THIS POLICY

Persons covered by this policy include company employees, interns, contractors, or temporary workers, in any workplace location.

IV. CONFIDENTIALITY

This company recognizes and respects an employee's right to privacy. The company will maintain the confidentiality of an employee's disclosure unless the substance of the employee's disclosure demands otherwise. Disclosure will be necessary if an abuser presents a threat to the safety of any employee in the workplace.

The Director of Human Resources must be consulted regarding matters of security, safety planning, leave time, court orders, job performance, and discipline.

Whenever possible, the employee will be given notice of necessary disclosures.

V. RESPONSE AND ASSISTANCE TO EMPLOYEES WHO ARE VICTIMS

The company seeks to offer support and referrals for assistance to victims who disclose concerns or request help. Disclosures may be made to any supervisor or Responder with whom a victim is comfortable.

Co-workers are often the first to notice that a fellow employee may be experiencing personal difficulties related to domestic violence, sexual assault or stalking.

If an employee has reason to believe that a co-worker is a victim, the concerned employee is encouraged to contact a supervisor or Responder. Co-workers may also offer assistance in a confidential and non-judgmental manner and should be sensitive to the personal nature of the victim's situation, refer the person to both internal and external resource, and send the following messages:

You are not alone;

You are not to blame;

There is help available; and

I am concerned about your safety.

A. Resources

A supervisor or Responder will provide referral information to victims, which may include:

1. Employee Assistance Program;
2. Local domestic violence projects;
3. Local sexual assault centers;
4. Advocacy and legal services;
5. Medical and counseling services;
6. Security or other law enforcement agencies; and
7. Company Policy Concerning Workplace Response to Domestic Violence, Sexual Assault, and Stalking.

B. Security

If any person is in imminent danger in the workplace, that person, a co-worker, the person's supervisor, or any other person in a supervisory or managerial position should notify building security or local law enforcement.

C. Safety Planning

The company will work with victims to develop an individualized workplace safety plan when necessary. The safety plan may include, but is not limited to, the following measures:

1. Screening telephone calls;
2. Providing a new work space;
3. Setting an alternate work schedule;
4. Arranging an escort to and from parking areas; and
5. Sharing information concerning the perpetrator with local law enforcement.

D. Reasonable and Necessary Leave

Employees who are victims may need leave time. Leave will be consistent, at a minimum, with 26 M.R.S.A. §850, which requires employers to grant reasonable and necessary leave from work for an employee to prepare for and attend court proceedings; receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. The leave must be needed because the employee or daughter, son, parent or spouse is a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection.

Leave benefits may include, as applicable:

1. Sick or vacation leave;
2. Family and Medical Leave Act;
3. Unpaid leave; or
4. Catastrophic Leave Bank.

E. Court Orders

Victims are encouraged to disclose the existence of Temporary or Permanent Orders for Protection from Abuse or Harassment to any supervisor or Responder, particularly where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment.

The HR Department will develop and implement necessary protocols related to orders. Under no circumstances will these orders be placed in an employee's personnel file.

F. Work Performance

When a victim has performance or conduct problems as a result of domestic violence, sexual assault or stalking, the company will offer support and an opportunity to correct the problems. Supervisors may develop a work plan with the employee to assist and support the employee in meeting performance expectations.

Nothing in this policy alters the authority of this company to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

Information or documents pertaining to a victim's involvement in a domestic violence, sexual assault or stalking situation will be kept separately from the employee's personnel records and will not be considered for purposes of hiring or promotion.

In the event that an employee is ultimately unable to maintain employment with the company as a result of domestic violence, the employee will be provided with information about Title 26, M.R.S.A., §§ 1043 and 1193 (Unemployment Compensation Disqualification and Misconduct Clauses) which provides victims with the right to collect unemployment benefits if they leave their employment in order to preserve their own safety, or if they have been terminated because of performance issues stemming from domestic violence.

VI. RESPONSE AND ASSISTANCE TO EMPLOYEES WHO ARE PERPETRATORS

The company encourages employees who are perpetrators to voluntarily seek assistance from any of the resources listed at the end of this policy or the confidential Employee Assistance Program.

If an employee is concerned that a co-worker is a perpetrator of domestic violence, sexual assault or stalking, the employee should notify any supervisor or Responder who will consult with the Human Resources Department to determine the appropriate course of action. The employee is discouraged from confronting the co-worker directly.

Employees who engage in behaviors on-duty that constitute domestic violence, sexual assault or stalking will be subject to discipline, up to and including termination. In some cases, where there is a connection between off-duty conduct of this nature and one's employment with the company, that off-duty conduct may lead to discipline, up to and including termination.

A. On Duty

Any employee who commits domestic violence, sexual assault or stalking in the workplace (see definition) will be subject to corrective or disciplinary action, up to and including termination.

In addition, any employee who uses any company resource (see definition) at any time or place to commit domestic violence, sexual assault or stalking will be subject to corrective or disciplinary action, up to and including termination.

B. Off Duty

Any employee who is: (i) found by the company to have engaged in domestic violence, sexual assault or stalking; or (ii) arrested, convicted, or named as a defendant in a protective order as a result of domestic violence, sexual assault or stalking, may be subject to corrective or disciplinary action, up to and including termination when such action has a nexus/connection to the employee's employment with the company.

C. Protective Orders

Any employee who is named as a defendant must disclose any order from protection from abuse or harassment, any court order, or any condition of bail or probation applicable to the employee that includes:

1. Conditions that may interfere with the employee's ability to perform job duties; or
2. Conditions prohibiting or limiting contact with other employees of this company.

Note re: Firearms

Any final protection order entered against an employee required to carry a firearm as a condition of employment is considered to interfere with that employee's ability to perform assigned duties of the position and the existence of the order must be reported immediately. Any employee required to carry a firearm as a condition of employment who is a named defendant in a final or permanent protection order, or who is otherwise prohibited by court order, bail condition, criminal conviction, or protection order from carrying a firearm will be subject to disciplinary action up to and including termination.

The employee must disclose the above information to his/her supervisor and/or designated personnel in the HR Department at the beginning of the employee's next scheduled work day.

Failure to provide the above information may result in disciplinary action up to and including termination.

VII. NON-RETALIATION

Any retaliatory action resulting from an employee making a complaint or observation of domestic violence, sexual assault or stalking, or otherwise asserting rights or responsibilities under this policy or relevant laws is a serious violation of this policy and may be cause for disciplinary action up to and including termination.

VIII. TRAINING AND OUTREACH

A. POLICY DISTRIBUTION

This policy will be distributed to all persons covered by this policy, will be posted at all company facilities, and will be posted to the company's web site.

Each person covered by this policy shall sign a statement acknowledging that the person has received and read the policy. Employees' statements will be retained in personnel files. Statements signed by other persons covered by this policy will be retained by the person's primary contact at the company.

B. TRAINING

1. All current employees will receive policy awareness training. All new employees will receive training as part of New Employee Orientation.
2. Persons who must attend specialized training designated by the company focusing on identifying and responding to issues of domestic violence, sexual assault and stalking in the workplace include:
 - a. All employees newly hired or promoted into managerial or supervisory positions;
 - b. All current managers and supervisors; and
 - c. Responders.
3. To carry out the purpose of this policy, the company will establish an ongoing Training and Outreach Committee. The committee will provide opportunities for education and discussion on domestic violence, sexual assault, and stalking issues. Such opportunities may include "Lunch and Learn" sessions, speakers, and a lending library.
4. Domestic Violence, Sexual Assault, Batterers' Intervention, and State of Maine Employee Assistance Program resources are provided at the end of this policy.

IX. POLICIES

The company also has policies covering Equal Employment Opportunity/ Affirmative Action, Harassment, and E-Mail Usage and Management.

X. CONCLUSION

Company XYZ is sensitive to the needs of employees affected by domestic violence, sexual assault or stalking. The company will strive to heighten awareness among staff and provide ongoing training and resource information.

Signed/ CEO, Company XYZ Date:

EMPLOYEE ASSISTANCE PROGRAM

1-800-EAP-HELP

MAINE DOMESTIC VIOLENCE RESOURCES

Statewide Domestic Violence Helpline:

1-866-834-HELP

MAINE COALITION TO END DOMESTIC VIOLENCE

104 Sewall St.
Augusta, ME 04330

Admin.: 207-430-8334
E-mail: info@mcedv.org
Look on the web at: www.mcedv.org

Oxford, Franklin & Androscoggin Counties

SAFE VOICES
P. O. Box 713, Auburn, ME 04212-0713

Hotline: 1-800-559-2927 or 207-795-4020

E-mail: safevoices@safevoices.org
Look on the web at: www.safevoices.org
Admin.: 207-795-6744

Aroostook County

HOPE AND JUSTICE PROJECT
421 Main St, Suite 2, Presque Isle, ME 04769

Hotline: 1-800-439-2323

E-mail: info@hopeandjusticeproject.org
Look on the web at: www.hopeandjusticeproject.org
Admin.: 207-764-2977

York County

CARING UNLIMITED
P. O. Box 590, Sanford, ME 04073

Hotline: 1-800-239-7298 or 207-324-1802

E-mail: mail@caring-unlimited.org or
Look on the web at: www.caring-unlimited.org
Admin: 207-490-3227

Cumberland & Sagadahoc Counties

FAMILY CRISIS SERVICES
P. O. Box 704, Portland, ME 04104

Hotline: 1-800-537-6066 or 207-874-1973

E-mail: familycrisis@familycrisis.org or

Look on the web at: www.familycrisis.org
Admin.: 207-767-4952

MAINE DOMESTIC VIOLENCE RESOURCES**Kennebec & Somerset Counties**

FAMILY VIOLENCE PROJECT

P. O. Box 304, Augusta, ME 04332

Hotline: 1-877-890-7788 or 207-623-3569E-Mail: fvp@familyviolenceproject.org orLook on the web at: www.familyviolenceproject.org

Admin.: 207-623-8637

Knox, Lincoln & Waldo Counties

NEW HOPE FOR WOMEN

P. O. Box A, Rockland, ME 04841-0733

Admin. & Hotline:**1-800-522-3304 or 207-594-2128****Belfast Area Hotline: 207-338-6569****Damariscotta Area Hotline: 207-563-2404**E-mail: newhope@newhopeforwomen.orgLook on the web at: www.newhopeforwomen.org

Admin: 207-594-2128

Penobscot County

SPRUCE RUN

P. O. Box 653, Bangor, ME 04402-0653

Hotline: 1-800-863-9909 or 207-947-0496E-mail: sprucerun@sprucerun.netLook on the web at: www.sprucerun.net

Admin.: 207-945-5102

Hancock & Washington Counties

THE NEXT STEP

P. O. Box 1465, Ellsworth, ME 04605

or P. O. Box 303, Machias, ME 04654

Hancock County Hotline:**1-800-315-5579 or 207-667-4606**

Admin.: 207-667-0176

Washington County Hotline:**1-888-604-8692 or 207-255-4785**

Admin.: 207-255-4934

E-mail: info@nextstepdvproject.orgLook on the web at: www.nextstepdvproject.org**Piscataquis County**

WOMANCARE

P. O. Box 192, Dover-Foxcroft, ME 04426

Hotline: 1-888-564-8165

Admin. & Hotline: 207-564-8165

E-mail: wmncare@wmncare.org

Look on the web at: www.wmncare.org

WABANAKI TRIBES OF MAINE DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES**Aroostook Band of Micmacs**

7 Northern Rd., Presque Isle, ME 04769

www.micmac-nsn.gov

Admin.: 207-764-2977

Hotline: 1-800-750-1435

Maliseet Domestic Violence & Sexual Assault Program

www.maliseets.com

690 Foxcroft Rd., Houlton, ME 04730

Hotline: 207-532-6401

Admin: 207-532-3000

Passamaquoddy Peaceful Relations

www.wabanaki.com

PO Box 343, Perry, ME 04667

Admin.: 207-853-2600

Hotline: 1-877-853-2613

Indian Nation Domestic Violence and Sexual Assault Services

www.penobscotnation.org

12 Wabanaki Way, Indian Island, ME 04468

Admin.: 207-817-7469

Hotline: 207-631-4886

CULTURALLY SPECIFIC ORGANIZATIONS PROVIDING DOMESTIC VIOLENCE SERVICES**Sudanese Development Institute of Maine**

207-879-2281

Tengo Voz

207-553-2252

United Somali Women of Maine

207-753-0061

NATIONAL DOMESTIC VIOLENCE RESOURCES

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

P. O. Box 18749, Denver, CO 80218

National Domestic Violence Hotline:

1-800-799-7233

TTY: 1-800-787-3224

Tel.: 303-839-1852

Look on the web at: www.ncadv.org

SEXUAL ASSAULT RESOURCES

MAINE COALITION AGAINST SEXUAL ASSAULT

83 Western Avenue, Suite 2, Augusta, ME 04330

Statewide Sexual Assault Support Hotline:

1-800-871-7741

TTY: 1-888-458-7741

Office: 207-626-0034

Fax: 207-626-5503

E-mail: info@mecasa.org

Additional information is available at: www.mecasa.org

Kennebec, Knox & Waldo Counties

SEXUAL ASSAULT CRISIS & SUPPORT CENTER

P.O. Box 417, Winthrop, ME 04364

Hotline: 1-800-871-7741 or 207-626-0660

Belfast: 207-338-4622

Rockland: 207-594-8580

Waterville: 660-6277

Office: 207-377-1010

Penobscot & Piscataquis Counties

RAPE RESPONSE SERVICES

P. O. Box 2516, Bangor, ME 04402-2516

Hotline: 1-800-310-0000 or 207-989-5678

Office: 207-973-3651

Eastern Cumberland, Sagadahoc & Lincoln Counties

SEXUAL ASSAULT SUPPORT SERVICES OF MIDCOAST MAINE

P. O. Box 990, Brunswick, ME 04011

Hotline: 1-800-822-5999 or 1-800-871-7741

Office: 207-725-2181

Hancock & Washington Counties

DOWNEAST SEXUAL ASSAULT SERVICES

P. O. Box 1087, Ellsworth, ME 04605

Hotline: 1-800-228-2470

Office: 1-800-492-5550

Franklin County

SEXUAL ASSAULT VICTIMS EMERGENCY SERVICES

P. O. Box 349, Farmington, ME 04938

Hotline: 1-800-871-7741

Office: 207-778-9522

Androscoggin County

SEXUAL ASSAULT CRISIS CENTER

P. O. Box 6, Auburn, ME 04212

Hotline: 1-800-871-7741

Office: 207-784-5272

Oxford County

RAPE EDUCATION AND CRISIS HOTLINE

P. O. Box 300, South Paris, ME 04281

Hotline: 1-800-871-7741

Office: 207-743-9777

York and Cumberland Counties

SEXUAL ASSAULT RESPONSE SERVICES OF SOUTHERN MAINE

P. O. Box 1371, Portland, ME 04104

Hotline: 1-800-313-9900

Office: 1-207-828-1035

Aroostook County

SEXUAL TRAUMA AND RECOVERY SERVICES

162 Main Street, Presque Isle, ME 04769

Hotline: 1-800-550-3304 or 1-800-871-7741

Office: 1-207-762-4851

BATTERER INTERVENTION PROGRAMS

Androscoggin, Franklin & Oxford Counties

ALTERNATIVES TO ABUSE/AWAP

P. O. Box 713, Auburn, ME 04212

207-795-6744, Ext. 21

Aroostook County

RESOURCE FOR CHANGE

207-694-3066

Cumberland County

A DIFFERENT CHOICE

207-632-1886

OPPORTUNITY FOR CHANGE

207-774-4603

Cumberland & Sagadahoc Counties

CHOICES

207-442-0181

Kennebec & Somerset Counties

MENSWORK

207-623-7252

Knox, Lincoln & Waldo

TIME FOR CHANGE

207-594-0270

Oxford County

ANOTHER WAY

207-786-0734

Penobscot County

BATTERERS INTERVENTION PROGRAM

1-800-640-1211

Penobscot & Hancock Counties

CHOICE V/OP Chemical Dependency Agency

207-852-9612

207-667-2730 (Ellsworth Office)

Piscataquis County

DV CLASSES FOR MEN/

CHARLOTTE WHITE COUNSELING CENTER

1-800-260-9765

Washington County

DOMESTIC ABUSE EDUCATION PROGRAM

207-255-4460

York County

VIOLENCE NO MORE

207-283-8574

Additional information is available at:

www.state.me.us/corrections/VictimServices/BatIntervent.htm

revised 5.10.11

Discussion Guide

Individual and Group Considerations for Viewing*Pre-Viewing Considerations*

- Domestic violence and abuse can be an emotionally upsetting topic. Community resources are available for you to talk about any reactions you may have. In Maine, call the Statewide Domestic Violence Helpline at 1-866-834-HELP to access a local domestic violence program advocate. Nationwide, call the National Domestic Violence Hotline at 1-800-799-SAFE. For group viewing, it may be helpful for the facilitator of the group to take a few moments to prepare the audience, keeping in mind the likelihood that the audience includes people who have personally experienced domestic violence and abuse. Make local domestic abuse program resource information available, and create a comfortable environment for viewing, with easily accessed exits and identified support persons on site.
- Caution: If your workplace is struggling with how to reach out to a particular employee believed to currently be experiencing or perpetrating domestic violence and abuse, consult with your local domestic violence agency about how best to connect with that person prior to engaging a larger group in discussions, training, and policy development.
- Consider/discuss the organizational goals in viewing the video:
 - ✓ Does this video introduce a topic that is new to the workplace or is the organization already aware of domestic violence as a workplace issue?
 - ✓ Is this video intended to support the creation of a comprehensive workplace response to domestic violence, including a policy and procedures? Will it supplement existing policies?
 - ✓ What is the commitment of leadership to addressing this issue and creating a safe and healthy workplace for all employees?
 - ✓ What workplace resources are vulnerable to misuse by domestic violence abusers?

Post-Viewing Questions

- How does addressing domestic violence in the workplace represent a change in approach for employers who traditionally may expect employees to “check their personal lives at the door?”
- What are some ways that abuser behavior on-duty or off-duty might impact your workplace?
- What is your goal as a workplace in addressing domestic violence abusers in the workplace?
- What resources are available to assist you in developing a policy and procedures to address domestic violence abusers and the workplace as a part of a comprehensive response that also addresses the needs of survivors of domestic violence at the workplace? How can you collaborate with law enforcement, security, local or national domestic abuse organizations, etc.?
- How can you tailor each of the best practices to best suit your workplace?
 1. Engage the local/statewide domestic violence prevention organization

2. Develop policy and procedures
 3. Provide employee training and education
 4. Screen potential employees for abuse and violence and again during changes in job status
 5. Evaluate information from a criminal background check
 6. Orient new employees to the workplace culture
 7. Screen employees for abuse and violence during changes in job status
 8. Investigate internal/external allegations of abuse and respond
 9. Comply with civil orders of protection
 10. Develop protocol for separation of employment
- Would your employees benefit from domestic violence and the workplace training and/or policy consultation, available through the Maine Coalition to End Domestic Violence, to assist in the creation of a comprehensive workplace response that addresses both the impact of domestic violence abusers on the workplace as well as the needs of victims/survivors at the workplace?
 - What are your next steps?

Other Resources

Additional Resources

Maine

Maine Coalition to End Domestic Violence

104 Sewall St., Augusta, ME 04330

TEL: 207-430-8334

E-mail: info@mcedv.org

Online: www.mcedv.org

Maine Coalition Against Sexual Assault

83 Western Ave. Ste. 2, Augusta, ME 04330

TEL: 207-626-0034

Online: www.mecasa.org

Maine Department of Public Safety

45 Commerce Drive Ste. 1, 104 State House Station, Augusta, ME 04333-0104

TEL: 207-626-3800

Online: www.maine.gov/dps/

Free online domestic violence and the workplace employee training:

www.myworkplacehelp.com

National

Workplaces Respond to Domestic and Sexual Violence: A National Resource Center

Free online interactive initiative for employers: www.workplacesrespond.org

American Bar Association's Commission on Domestic Violence

740 15th Street, NW, 9th Floor, Washington, DC 20005-1022

TEL: 202-662-1000

Online: www.abanet.org/domviol/

Corporate Alliance to End Partner Violence

2416 East Washington Street, Suite E, Bloomington, IL 61704

TEL: 309-664-0667

Online: www.caepv.org

Employers Against Domestic Violence

32 Belmont St., Brockton, MA 02303

TEL: 508-427-1799

Online: www.employersagainstdomesticviolence.org

Family Violence Prevention Fund

383 Rhode Island St., Suite #304, San Francisco, CA 94103-5133

TEL: 415-252-8900

Online: www.endabuse.org

Human Resource Essential, LLC

Stephanie Angelo, SPHR, Founder/President
P.O. Box 6028, Chandler, AZ 85246-6028
TEL: 480-726-9833
Online: www.hressential.com

Legal Momentum

395 Hudson Street, New York, NY 10014
TEL: 212-925-6635
Online: www.legalmomentum.org

National Coalition Against Domestic Violence

1120 Lincoln Street, Suite #1603, Denver, CO 80203
TEL: 303-839-1852
Online: www.ncadv.org

National Domestic Violence Hotline

P.O. Box 161810, Austin, TX 78716
TEL: 1-800-799-SAFE (7233)
TTY: 1-800-787-3224
Online: www.ndvh.org

National Network to End Domestic Violence

660 Pennsylvania Avenue, SE, Suite 303, Washington, DC 20003
TEL: 202-543-5566
Online: www.nnedv.org

National Resource Center on Domestic Violence

6400 Flank Drive, Suite 1300, Harrisburg, PA 17112
TEL: 1-800-537-2238
Online: www.nrcdv.org

Robin Runge, Esq.

Assistant Professor of Law
University of North Dakota
215 Centennial Drive Stop 9003, Grand Forks ND 58202-9003
TEL: 701-777-2104
Online: www.law.und.nodak.edu/LawFaculty/Profile/runge.php
Email: runge@law.und.edu

United States Department of Labor, Occupational Health and Safety Administration

200 Constitution Avenue, NW, Washington, DC 20210
TEL: 1-800-321-OSHA (6742)
Online: www.osha.gov

This video toolkit would not exist were it not for the efforts of dedicated community partners. The Maine Coalition to End Domestic Violence (MCEDV) particularly thanks Ellen Ridley, formerly of Family Crisis Services, for her vision of the role employers can play in the coordinated community response to domestic violence. Through her efforts, along with the collaborative team, employers now have the tools to respond more effectively and safely to domestic violence abusers and to support a culture change regarding domestic violence in the workplace.

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are abusers employed at your workplace?

employer best practices

1. Engage the statewide or local domestic violence program as a partner in development, training, and ongoing consultation regarding domestic abuse in the workplace.
2. Develop a domestic violence policy and corresponding standard operating procedures to support the policy.
3. Develop a comprehensive domestic violence training program. At a minimum, the program should include baseline training for all supervisors, managers, team leaders, security, human resource personnel, and employee assistance program providers, whether in-house or contracted.
4. Screen potential employees for violent and abusive behaviors.
5. Evaluate information gathered in the criminal background check process in a comprehensive, consistent manner.
6. Orient your new employee to the respectful workplace culture within the first few weeks of hire and continue to reinforce this message throughout the employee's tenure.
7. Screen for violent and abusive conduct during changes in job status, such as promotion or transfer.
8. Investigate both internal and external allegations of abusive, threatening, harassing, and/or violent conduct that affects the workplace, and respond with an appropriate measure of accountability.
9. Comply with service and requirements of civil orders of protection.
10. Develop a protocol for a separation of employment that incorporates safety of all personnel and a respectful process for the terminated worker.

for employer assistance, contact

**MAINE COALITION TO
END DOMESTIC VIOLENCE**
104 Sewall Street | Augusta, ME 04330
207-430-8334 | www.mcedv.org

- assistance with creating a comprehensive workplace response to domestic violence
- training
- resources
- policy consultation

for additional resources, contact

MAINE DEPARTMENT OF LABOR
54 State House Station | Augusta, ME 04333
207-623-7900 | www.maine.gov/labor

- copies of this toolkit and video
- additional employer training opportunities
- extensive employment resources

filming and editing provided by



responding to
domestic violence

Abusers

in the workplace

promoting a culture of
SAFETY
ACCOUNTABILITY
PRODUCTIVITY

a video toolkit
for employers

domestic violence

WHAT YOU CAN DO ABOUT IT

recognize respond refer

DOMESTIC VIOLENCE ABUSERS:

- Misuse workplace resources such as telephones, e-mail, and vehicles, to perpetrate abuse
- Experience decreased concentration and overall job performance
- Present safety risks by causing accidents or near-misses
- Lose work time because of violence, incarceration, or legal proceedings resulting from the abuse
- Affect the bottom lines of their employers
- Place employers at risk for legal liability due to employees' abusive behaviors

CHANGE YOUR WORKPLACE CULTURE

- Management sets clear expectations for employee behavior
- Employees are supported and held accountable
- People feel comfortable coming forward to talk about abuse
- Management actively works to minimize safety risks due to domestic violence
- The organization protects employee productivity and the bottom line

what is domestic violence and abuse?

A pattern of coercive behaviors that is used by a person to gain and maintain power and control over current or former family members or intimate partners. This can include:

- physical and sexual violence
- emotional and psychological intimidation
- verbal abuse and threats
- stalking
- isolation
- harm to children
- economic control
- destruction of personal property
- animal cruelty

sample policy language

RESPONSE AND ASSISTANCE TO EMPLOYEES WHO ARE ABUSERS

"This employer encourages employees who engage in abusive behavior to voluntarily seek assistance from local domestic violence and batterer intervention service providers or the employer's confidential Employee Assistance Program.

If an employee is concerned that a co-worker is a perpetrator of domestic violence, the employee should notify any supervisor or human resources staff who will determine the appropriate course of action. The employee is discouraged from confronting the co-worker directly.

policies should also address:

- Response and assistance, including workplace safety planning, to employees who are victims
- Support/workplace safety planning for victims at the workplace
- Guidelines for manager and co-worker response

On Duty

Any employee who commits domestic violence in the workplace will be subject to corrective or disciplinary action, up to and including termination.

In addition, any employee who uses any employer resource at any time or place to commit domestic violence will be subject to corrective or disciplinary action, up to and including termination.

Off Duty

Any employee who is: found by the employer to have engaged in domestic violence; or arrested, convicted, or named as a defendant in a protective order as a result of domestic violence, may be subject to corrective or disciplinary action, up to and including termination when such action has a connection/nexus to the employee's employment.

Protective Orders

Any employee who is named as a defendant must disclose any order of protection from abuse or harassment, or any condition of bail or probation applicable to the employee that includes:

- Conditions that may interfere with the employee's ability to perform job duties, or
- Conditions prohibiting or limiting contact with other employees

The employee must disclose the above information to a supervisor or human resources staff at the beginning of the employee's next scheduled work day.

Failure to provide the above information may result in disciplinary action up to and including termination."

resources

DOMESTIC VIOLENCE & THE WORKPLACE (ME & US)

www.abanet.org/domviol

www.caepv.org

www.employersagainstdomesticviolence.org

www.endabuse.org

www.legalmomentum.org

www.myworkplacehelp.com

www.peaceatwork.org

www.workplacesrespond.org

DOMESTIC VIOLENCE (ME & US)

www.mcedv.org

www.ndvh.org

www.ncadv.org

www.nnedv.org

www.nrcdv.org

BATTERER INTERVENTION PROGRAMS (ME)

[www.maine.gov/corrections/
VictimServices/BatIntervent.htm](http://www.maine.gov/corrections/VictimServices/BatIntervent.htm)

contact your local domestic violence organization

MAINE call the Statewide Domestic
Violence Helpline:
866-834-HELP (4357)

U.S. call the National Domestic
Violence Hotline:
1-800-799-SAFE (7233)

- Employee confidentiality
- Employer-issued firearms
- Community resources related to domestic violence and abuse

Maine Labor Laws on Domestic Violence, Sexual Assault, and Stalking

Maine laws protect victims of domestic violence, sexual assault, and stalking in employment.

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Maine Department of Labor by calling (207) 623-7900.

This poster may be copied.



How You Are Protected

Leave for Victims of Domestic Violence, Sexual Assault, or Stalking:

- ✓ You may take reasonable and necessary leave from employment if you, your child, spouse, or parent is a victim of domestic abuse, sexual assault, or stalking. Title 26, § 850.

Unemployment Benefit Eligibility:

- ✓ If you voluntarily leave work, you may not be disqualified from receiving benefits if your leaving was necessary to protect yourself from domestic abuse, and you made all reasonable efforts to keep your job. Title 26, §1193, §§1(A)4
- ✓ You may not be disqualified from receiving benefits because of misconduct if your actions were based solely on the need to protect yourself or an immediate family member from domestic violence, and you made all reasonable efforts to keep your job. Title 26, §1043, §§23(B)3

Who You Can Contact for Help

Domestic Violence Hotlines by County

Androscoggin	1-800-559-2927
Aroostook	1-800-439-2323
Cumberland	1-800-537-6066
Franklin	1-800-559-2927
Hancock	1-800-315-5579
Kennebec	1-877-890-7788
Knox	1-800-522-3304
Lincoln	1-800-522-3304
Oxford	1-800-559-2927
Penobscot	1-800-863-9909
Piscataquis	1-888-564-8165
Sagadahoc	1-800-537-6066
Somerset	1-877-890-7788
Waldo	1-800-522-3304
Washington	1-888-604-8692
York	1-800-239-7298
National Domestic Violence Hotline	1-800-799-7233
	TTY 1-800-787-3224

Other Resources

Statewide Domestic Violence Hotline	1-866-834-4357
Statewide Sexual Assault Crisis Line	1-800-871-7741 TTY 1-888-458-5599
Maine Department of Labor	207-623-7900 TTY 1-800-794-1110
Maine Coalition to End Domestic Violence:	207-430-8334
Aroostook Band of Micmac	1-800-750-1435
Maliseet Domestic Violence & Sexual Assault Program	207-532-6401
Passamaquoddy Peaceful Relations	1-877-853-2613
Penobscot Nation Domestic Violence and Sexual Assault Services	207-631-4886
United Somali Women of Maine	207-753-0061
Sudanese Development Institute of Maine	207-879-2281
Tengo Voz	207-553-2252